

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 384X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY –
ABANDONMENT EXEMPTION--IN MINNEHAHA COUNTY, SD

Decided: April 13, 2004

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 2.98-mile line of its railroad between milepost 147.15 and milepost 150.13 near Sioux Falls, in Minnehaha County, SD.¹

By decision served September 9, 1999, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that BNSF retain its interest in and take no steps to alter the historic integrity of the line in its entirety until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed.

In a letter dated January 8, 2004, the South Dakota State Historical Society (SHPO) informed the Board's Section of Environmental Analysis that Stipulations 3 and 4 of the Memorandum of Agreement (MOA) remained to be completed. Stipulation 3 required BNSF to provide a bronze marker to the Minnehaha County Historical Society (Historical Society) for placement on or near the historic right-of-way or depot. Stipulation 4 required BNSF to provide 150 copies of a pamphlet to the Historical Society. SEA states that, in a telephone conversation with BNSF and the Historical Society, it has been determined that the bronze marker and 150 copies of the pamphlet have now been provided to the Historical Society. Although the marker has not yet been installed because of winter weather conditions, the Historical Society stated that it has the resources necessary to install the marker. Therefore, the Historical Society is satisfied that BNSF has fulfilled its obligation under the MOA. SEA states that the MOA was executed by the Board, BNSF and the SHPO. SEA states that the section 106 process has now been completed. SEA therefore, recommends that the section 106 condition imposed in the September 9, 1999 decision be removed.

¹ Notice of the exemption was served and published in the Federal Register on August 11, 1999 (64 FR 43813-14).

Accordingly, the proceeding will be reopened and the previously imposed historic condition will be removed.²

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the decision served on September 9, 1999, is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

² The September 9 decision also imposed a second condition that required BNSF to consult with the National Geodetic Survey (NGS), and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station marker. That condition remains in effect.